

## DECLARATION

As the below-named inventors, we declare that:

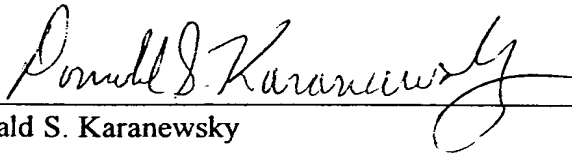
Our residences, post office addresses, and citizenships are as stated below under our names.

We believe we are the original, first, and joint inventors of the invention entitled "(SUBSTITUTED)ACYL DIPEPTIDYL INHIBITORS OF THE ICE/ced-3 FAMILY OF CYSTEINE PROTEASES," which is described and claimed in the specification and claims of Patent Application No. 09/177,546, which we filed in the United States Patent and Trademark Office on October 22, 1998 and for which a patent is sought.

We have reviewed and understand the contents of the above-entitled specification, including the claims, as amended by any amendment specifically referred to herein (if any).

We acknowledge our duty to disclose information of which we are aware which is material to the patentability and examination of this application in accordance with 37 C.F.R. § 1.56(a).

We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that the making of willfully false statements and the like is punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of any patent issuing from this patent application.



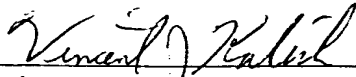
Donald S. Karanewsky

Date 3/9/99

Residence : City of Escondido, County of San Diego  
State of California

Citizenship : United States of America

P.O. Address : 1797 Continental Lane  
Escondido, California 92029



Vincent J. Kalish

Date 3/3/99

Residence : City of Annapolis, County of Anne Arundel  
State of Maryland

Citizenship : United States of America

P.O. Address : 344 Dubois Road  
Annapolis, Maryland 21401

RECEIVED

Edward D. Robinson

Edward D. Robinson

Date 3/4/99

Residence : City of San Diego, County of San Diego  
State of California

Citizenship : United States of America

P.O. Address : 3567 Tony Drive  
San Diego, California 92122

Brett R. Ullman

Brett R. Ullman

Date 3.4.99.

Residence : City of San Diego, County of San Diego  
State of California

Citizenship : United States of America

P.O. Address : 4021 Richmond Street #6  
San Diego, California 92103

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Donald S. Karanewsky et al.  
 Application No. : 09/177,546  
 Filed : October 22, 1998  
 For : (SUBSTITUTED)ACYL DIPEPTIDYL INHIBITORS OF THE  
 ICE/ced-3 FAMILY OF CYSTEINE PROTEASES

Docket No. : 480140.444

Box Missing Parts  
 Assistant Commissioner for Patents  
 Washington, DC 20231

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73 AND POWER OF ATTORNEY

The undersigned, being Assignee of the entire interest in the above-identified application by virtue of an Assignment filed concurrently herewith, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

Assignee hereby appoints RICHARD W. SEED, Reg. No. 16,557; ROBERT J. BAYNHAM, Reg. No. 22,846; EDWARD W. BULCHIS, Reg. No. 26,847; GEORGE C. RONDEAU, JR., Reg. No. 28,893; DAVID H. DEITS, Reg. No. 28,066; WILLIAM O. FERRON, JR., Reg. No. 30,633; PAUL T. MEIKLEJOHN, Reg. No. 26,569; DAVID J. MAKI, Reg. No. 31,392; RICHARD G. SHARKEY, Reg. No. 32,629; DAVID V. CARLSON, Reg. No. 31,153; MAURICE J. PIRIO, Reg. No. 33,273; KARL R. HERMANN, Reg. No. 33,507; DAVID D. MCMASTERS, Reg. No. 33,963; MICHAEL J. DONOHUE, Reg. No. 35,859; CHRISTOPHER J. DALEY-WATSON, Reg. No. 34,807; STEVEN D. LAWRENZ, Reg. No. 37,376; ROBERT G. WOOLSTON, Reg. No. 37,263; ELLEN M. BIERMAN, Reg. No. 38,079; PAUL T. PARKER, Reg. No. 38,264; ANN T. KADLECEK, Reg. No. 39,244; DAVID W. PARKER, Reg. No. 37,414; BRIAN G. BODINE, Reg. No. 40,520; FRANK ABRAMONTE, Reg. No. 38,066; E. RUSSELL TARLETON, Reg. No. 31,800; FREDERICK M. FLIEGEL, Reg. No. 36,138; THOMAS L. EWING, Reg. No. 34,328; KEVIN S. COSTANZA, Reg. No. 37,801; DALE C. BARR, Reg. No. 40,498; KEVIN S. ROSS, Reg. No. 42,116; PAUL F. RUSYN, Reg. No. 42,118; JOHN M. WECHKIN, Reg. No. 42,216; THOMAS E. LOOP, Reg. No. 42,810; STEPHEN J.

Patent Office

ROSENMAN, Reg. No. 43,058; BRIAN L. JOHNSON, Reg. No. 40,033; JAMES D. WHITE, Reg. No. P-43,985; KIMTON N. ENG, Reg. No. P-43,605; SUSAN DENISE BETCHER, Reg. No. P-43,498; DENNIS M. DEGUZMAN, Reg. No. 41,702; and JANE E.R. POTTER, Reg. No. 33,332, comprising the firm of SEED AND BERRY LLP, 6300 Columbia Center, Seattle, Washington 98104-7092, as its attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. Please direct all telephone calls to Karl R. Hermanns at (206) 622-4900 and telecopies to (206) 682-6031.


Please direct all communications to:

Karl R. Hermanns, Esq.  
Seed and Berry LLP  
6300 Columbia Tower  
701 Fifth Avenue  
Seattle, Washington 98104-7092

Pursuant to 37 C.F.R. § 3.73, the undersigned duly authorized designee of Assignee certifies that the evidentiary documents have been reviewed, specifically the Assignment to Idun Pharmaceuticals, Inc. filed concurrently herewith for recording, a copy of which is attached hereto, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

IDUN PHARMACEUTICALS, INC.  
ASSIGNEE

3/4/99  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
Kevin J. Tomaselli, Ph.D.  
Vice President of Science and Technology

Enclosure:  
Copy of Assignment

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## ASSIGNMENT

WHEREAS, we, Donald S. Karanewsky, Vincent J. Kalish, Edward D. Robinson and Brett R. Ullman (hereinafter referred to as ASSIGNORS), having post office addresses of 1797 Continental Lane, Escondido, California 92029, 344 Dubois Road, Annapolis, Maryland 21401, 3567 Tony Drive, San Diego, California 92122, and 4021 Richmond Street #6, San Diego, California 92103, respectively, are the joint inventors of an invention entitled "(SUBSTITUTED)ACYL DIPEPTIDYL INHIBITORS OF THE ICE/ced-3 FAMILY OF CYSTEINE PROTEASES," as described and claimed in the specification for which an application for United States letters patent was filed on October 22, 1998 and assigned Application No. 09/177,546.

WHEREAS, Idun Pharmaceuticals, Inc. (hereinafter referred to as ASSIGNEE), a corporation of the State of California having a place of business at 11085 North Torrey Pines Road, Suite 300, La Jolla, California 92037, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign and transfer unto said ASSIGNEE the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNORS had this assignment, transfer and sale not been made. ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNORS agree to execute all instruments and documents required for the making and prosecution of applications for United States and foreign letters patent on said invention, for litigation regarding letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

3/9/99

Date

Donald S. Karanewsky  
Donald S. Karanewsky

State of CALIFORNIA )

ss.

County of SAN DIEGO )

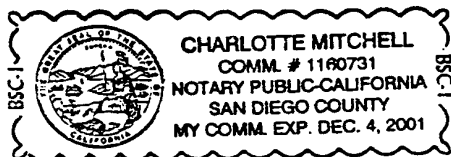
I certify that I know or have satisfactory evidence that Donald S. Karanewsky is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 3/9/99

Signature of Notary Public Charlotte Mitchell

Printed Name CHARLOTTE MITCHELL

My appointment expires 12/4/2001



3/3/99  
Date

State of Maryland )

County of Baltimore )

Vincent J. Kalish  
Vincent J. Kalish

ss.

I certify that I know or have satisfactory evidence that Vincent J. Kalish is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 3/3/99

Signature of Notary Public Peggy Walter

Printed Name Peggy Walter

My appointment expires My Commission Expires July 8, 2002

3/4/99  
Date

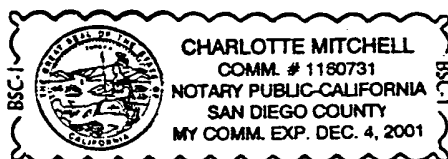
Edward Robinson  
Edward D. Robinson

State of CALIFORNIA  
County of SAN DIEGO

ss.

I certify that I know or have satisfactory evidence that Edward D. Robinson is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 3/4/99



Signature of Notary Public Charlotte Mitchell

Printed Name CHARLOTTE MITCHELL

My appointment expires 12/4/2001

3.4.99.  
Date

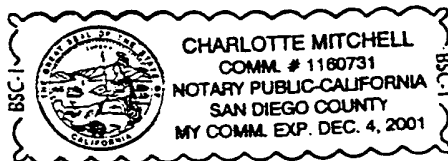
Brett R. Ullman  
Brett R. Ullman

State of CALIFORNIA  
County of SAN DIEGO

ss.

I certify that I know or have satisfactory evidence that Brett R. Ullman is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 3/4/99



Signature of Notary Public Charlotte Mitchell

Printed Name CHARLOTTE MITCHELL

My appointment expires 12/4/2001